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EXAMINER NORTON, JENNIFER L				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/724,623

Applicant(s)

HALL, RICHARD A.

Examiner

Jennifer L. Norton

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-38 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. The following is a **Non-Final Office Action** in response to the Request for Continued Examination filed on 17 March 2009. Claims 1, 4, 13, 15, 24, 25, 29, 30, 35, 37 and 38 have been amended. Claims 1-38 are pending in this application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The user interface method has not been incorporated into any computer readable medium to produce a useful, concrete, and tangible result. Claim 1 appears to be directed to software per se. Computer programs may be explicitly claimed as, for example, a series of code or instructions for performing functions or may be implicitly claimed as, for example, a system, a module or an apparatus. Where there is no evidence in the specification that a means which may be interpreted as software, hardware or combinations thereof necessarily includes hardware, it will be interpreted in its broadest reasonable sense as a software means, which is the case here.

Thus a claim to functional descriptive material, including computer programs, per se, is not patent eligible subject matter. It should be noted that functional descriptive

material claimed in combination with an appropriate computer readable medium to enable the functionality to be realized is patent eligible subject matter if it is capable of producing a useful, concrete and tangible result when used in the computer system.

Claim Rejections - 35 USC § 112

4. The amendment to the Claims and Remarks were received on 17 March 2009. Applicant's arguments, see Remarks pgs. 18-19, with respect to 24 and 37 have been fully considered and are persuasive; in addition, the amendment is acceptable and the rejection is withdrawn.

Claims

5. Examiner Notes: a) The Examiner notes Applicant's use of the term "configured to" in claims 5-12, 14-24, 29 and 38. The Applicant is reminded that use of the "configured" does not exclude the definition/interpretation of optional components and/or steps, i.e. the apparatus, system or method may or may not have the components and/or steps, per MPEP 2111.04, recited below for convenience:

2111.04 [R-3] "Adapted to," "Adapted for," "Wherein," and "Whereby" Clauses

Claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. However, examples of claim language, although not exhaustive, that may raise a question as to the limiting effect of the language in a claim are:

(A) "adapted to" or "adapted for" clauses;

- (B) " wherein " clauses; and
- (C) " whereby " clauses.

The determination of whether each of these clauses is a limitation in a claim depends on the specific facts of the case. In *Hoffer v. Microsoft Corp.*, 405 F.3d 1326, 1329, 74 USPQ2d 1481, 1483 (Fed. Cir. 2005), the court held that when a "whereby" clause states a condition that is material to patentability, it cannot be ignored in order to change the substance of the invention." *Id.* However, the court noted (quoting *Minton v. Nat 'l Ass 'n of Securities Dealers, Inc.*, 336 F.3d 1373, 1381, 67 USPQ2d 1614, 1620 (Fed. Cir. 2003)) that a "whereby clause in a method claim is not given weight when it simply expresses the intended result of a process step positively recited."

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-12, 14-23, 25-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,393,429 (hereinafter Yagi) in view of U.S. Patent No. 6,679,821 (hereinafter Numata).
8. As per claim 1, Yagi teaches a user interface to select a desired file/folder from a set of file(s)/folder(s) corresponding to compatible file/folder for use in a file handling device (col. 1, lines 6-16), the user interface comprising:

a home menu (col. 8, lines 63-67, col. 9, lines 1-2 and Fig. 6) to access a previously selected file(s)/folder(s) (col. 9, lines 14-21 and Fig. 6, element 52 and "recently accessed file" section); and

an add menu (Fig. 8 and 9A, via the selection of "Open") to add the desired file(s)/folder(s) in response to the desired file(s)/folder(s) being absent from the home menu, wherein the add menu includes the set of files/folders (col. 10, lines 25-40 and 57-67 and col. 11, lines 1-4).

Yagi does not expressly teach to a centrifuge run in a centrifuge device, rotors, the previously selected rotor having a rotor parameter associated therewith, and the desired rotor having a rotor parameter associated therewith that is utilized during the centrifuge run when the desired rotor is selected.

Numata teaches to a system and method for operating a centrifuge that includes querying the operator of the centrifuge for information which includes the selection of a rotor (col. 13, lines 32-59), a previously selected rotor having a rotor parameter associated therewith (col. 13, lines 60-67) and desired rotor having a rotor parameter associated therewith that is utilized during the centrifuge run when the desired rotor is selected (col. 14, lines 1-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Yagi to include a system and method for operating a centrifuge that includes querying the operator of the centrifuge

for information which includes the selection of a rotor, a previously selected rotor having a rotor parameter associated therewith and desired rotor having a rotor parameter associated therewith that is utilized during the centrifuge run when the desired rotor is selected to provide a system which brings greater reproducibility to the results and substantially enhances the functional versatility of the centrifuge as separation aid (col. 1, lines 26-36).

9. As per claim 2, Yagi teaches as set forth above the user interface according to claim 1, further comprising:

a display (col. 6, lines 21-24 and Fig. 2, element 18) to present the home menu (Fig. 6) and the add menu (Fig. 8 and 9A via the selection of "Open"), the home menu (Fig. 6) including a plurality of home options (col. 8, lines 63-67, col. 9, lines 1-4 and Fig. 6, element 51-54 and "recently accessed file" section), the home options including the previously selected rotor (col. 9, lines 8-11 and Fig. 6, element 52 and "recently accessed file" section) and an add function (Fig. 8 via the selection of "Open"),

wherein the add menu (Fig. 8 and 9A via the selection of "Open") including the rotors being stored in memory (col. 6, lines 56-60) and displayed according to the previous selection state of the rotors (col. 10, lines 57-67 and col. 11, lines 1-9).

10. As per claim 3, Yagi teaches as set forth above the user interface according to claim 2, further comprising:

a key to navigate the home menu and the add menu (col. 1, lines 41-43), the key being **configured to generate (as opposed to actually generating)** a signal in response to being engaged (col. 9, lines 18-21 and col. 13, lines 1-14; i.e. the selection of a recently accessed file from the menu will open),

wherein the add menu (Fig. 8 and 9A, via the selection of "Open") includes a first subset of compatible rotors (col. 8, lines 63-67, col. 9, lines 1-2 and Fig. 6) and second subset of compatible rotors(col. 10, lines 25-40 and 57-67, col. 11, lines 1-4 and Fig. 8 and Fig. 9A via the selection of "Open"), where an entry of a compatible rotor is moved (col. 13, lines 43-61 and Fig. 13) from the second subset (Fig. 8 and 9A via the selection of "Open") to the first subset according to the selection of the desired rotor (Fig. 6).

11. As per claim 4, Yagi teaches the user interface according to claim 3, further comprising:

a memory to store a run parameter (col. 6, lines 16-30 and Fig. 2, element 12);
and

a processor (Fig. 2, element 11) to control the display and receive signals from the key (col. 6, lines 25-30), the processor being **configured to (as opposed to actually)**:

control the display to initially present the home menu (col. 6, lines 34-54, col. 15-20, Fig. 3, element 21 and Fig. 4(B), element 44; i.e. a setting means for displaying the desired home menu);

store the previously selected rotor to the run parameter (col. 6, lines 55-60, i.e. store to Fig. 6, element 52 and "recently accessed file" section) in response to a selection event while the previously selected rotor is being displayed (col. 10, lines 39-49 and 57-67, col. 11, lines 1-9 and Fig. 9A and 9B);

control the display to present the add menu in response to the add function being selected (col. 10, lines 25-49); and

move a newly selected rotor of the set of rotors to the home menu (Fig. 9B) from the add menu (Fig. 8 and 9A via the selection of "Open") and store the newly selected rotor to the run parameter in response to the selection event (col. 6, lines 56-60) while the newly selected rotor is being displayed (col. 10, lines 57-67 and col. 11, lines 1-9).

Yagi does not expressly teach to storing the rotor parameter of the rotor, and the newly selected rotor having a rotor parameter associated therewith.

Numata teaches to storing the rotor parameter of the rotor (col. 5, lines 8-15 and col. 13, lines 5-10), and the newly selected rotor having a rotor parameter associated therewith (col. 14, lines 1-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Yagi to include storing the rotor parameter of the rotor, and the newly selected rotor having a rotor parameter associated therewith to provide a system which brings greater reproducibility to the results and substantially enhances the functional versatility of the centrifuge as separation aid (col. 1, lines 26-36).

12. As per claim 5, Yagi teaches as set forth above the processor is further **configured to control (as opposed actually controlling)** the display to scroll through the plurality of home options while the display is presenting the home menu and in response to the signal (col. 8, lines 63-67, col. 9, lines 1-4 and Fig. 6, element 51-54 and "recently accessed file" section; i.e. the user moves from one home option to another using a mouse (Fig. 2, element 17), hence scrolling through the home options).

13. As per claim 6, Yagi teaches as set forth above the processor is further **configured to control (as opposed actually controlling)** the display to scroll through a plurality of type options while the display is presenting the add menu and in response to the signal (col. 13, lines 43-61 and Fig. 13; i.e. the user moves from one type option to another using a mouse (Fig. 2, element 17), hence scrolling through the type options).

14. As per claim 7, Yagi does not expressly teach the key is a down key and the processor is **configured to control (as opposed actually controlling)** the display to scroll in a forward manner through the home menu or add menu in response to the signal.

Numata teaches to a key (Fig. 1, element 9; i.e. cursor key) and processor (Fig. 1, element 2) **configured to control (as opposed actually controlling)** a display (Fig. 13, element 106) by navigation through a menu (col. 5, lines 4-15 and col. 13, lines 56-67; i.e. in response to the key's output).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Yagi to include to a key and processor **configured to control (as opposed actually controlling)** a display by navigation through a menu to provide a system which brings greater reproducibility to the results and substantially enhances the functional versatility of the centrifuge as separation aid (col. 1, lines 26-36).

15. As per claim 8, Yagi does not expressly teach the key is an up key and the processor is **configured to control (as opposed actually controlling)** the display to scroll in a reverse manner through the home menu or add menu in response to the signal.

Numata teaches to a key (Fig. 1, element 9; i.e. cursor key) and processor (Fig. 1, element 2) **configured to control (as opposed actually controlling)** a display (Fig. 13, element 106) by navigation through a menu (col. 5, lines 4-15 and col. 13, lines 56-67; i.e. in response to the key's output).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Yagi to include to a key and processor **configured to control (as opposed actually controlling)** a display by navigation through a menu to provide a system which brings greater reproducibility to the results and substantially enhances the functional versatility of the centrifuge as separation aid (col. 1, lines 26-36).

16. As per claim 9, Yagi teaches as set forth above the processor is further **configured to determine (as opposed to actually determining)** the selection event has occurred (col. 6, lines 25-30, col. 9, lines 18-21 and col. 13, lines 1-14; i.e. the selection of a recently accessed file from the menu will open).

17. As per claim 10, Yagi teaches as set forth above a select key (col. 1, lines 41-43) **configured to generate (as opposed to actually generating)** a select signal in response to being engaged, wherein the processor is **configured to determine (as opposed to actually determining)** the selection event has occurred in response to the select signal (col. 6, lines 25-30, col. 9, lines 18-21 and col. 13, lines 1-14; i.e. the

selection of a recently accessed file from the menu will open).

18. As per claim 11, Yagi teaches as set forth above the processor is **configured to** determine **(as opposed to actually determining)** the selection event has occurred in response to a predetermined amount of time has elapsed since last receiving the signal (col. 6, lines 25-30).

19. As per claim 12, Yagi teaches as set forth above the processor is **configured to** determine **(as opposed to actually determining)** the selection event has occurred in response to receiving a start run signal (col. 6, lines 25-30).

20. As per claim 14, Yagi teaches as set forth above the add menu further comprises a plurality of type menus to subdivide the set of rotors (Fig. 10; i.e. divided into a plurality of files) into a plurality of respective type options (Fig. 10; i.e. divided into a plurality of different folders), the processor the **configured to control (as opposed to actually controlling)** the display to present the plurality of type menus (col. 11, lines 41-48).

21. As per claim 15, Yagi teaches an apparatus to select a desired file/folder from a set of files(s)/folder(s) compatible for use in a file handling device (col. 1, lines 6-16), the apparatus comprising:

a display (col. 6, lines 21-24 and Fig. 2, element 18) to present a home menu (col. 8, lines 63-67, col. 9, lines 1-2 and Fig. 6) and an add menu (col. 10, lines 25-40 and 57-67, col. 11, lines 1-4 and Fig. 8 and Fig. 9A via the selection of "Open"),

the home menu (Fig. 6) including a plurality of home menu options (col. 8, lines 63-67, col. 9, lines 1-4 and Fig. 6, element 51-54 and "recently accessed file" section),

the home menu options including a previously selected files(s)/folder(s) (col. 9, lines 8-12 and Fig. 6, element 52 and "recently accessed file" section) and an add function (Fig. 8 and 9A via the selection of "Open"), the add menu including a plurality of add menu options (col. 10, lines 25-39 and 57-67 and col. 11, lines 1-4), the plurality of add menu options including the set of files(s)/folder(s) (col. 10, lines 25-39 and 57-67 and col. 11, lines 1-4);

a key to navigate the home menu and the add menu (col. 1, lines 41-43), the key being **configured to generate (as opposed to actually generating)** a signal in response to being engaged (col. 10, lines 25-40 and 57-67 and col. 11, lines 1-4);

a memory to store a run parameter (col. 6, lines 16-30 and Fig. 2, element 12);
and

a processor (Fig. 2, element 11) to control the display and receive the signal from the key (col. 6, lines 25-30), the processor being **configured to (as opposed to actually):**

control the display to initially present the home menu (col. 6, lines 34-54, col. 15-20, Fig. 3, element 21 and Fig. 4(B), element 44; i.e. a setting means for displaying the desired home menu);

store the previously selected files/folder to the run parameter (col. 6, lines 55-60, i.e. store to Fig. 6, element 52 and "recently accessed file" section) in response to a selection event while the previously selected file/folder is being displayed (col. 10, lines 39-49 and 57-67, col. 11, lines 1-9 and Fig. 9A and 9B);

control the display to present the add menu in response to the add function being selected (col. 10, lines 25-49); and

move a newly selected file/folder of the set of files(s)/folder(s) to the home menu (Fig. 9B) from the add menu (Fig. 8 and 9A via the selection of "Open") and store the newly selected file/folder to the run parameter in response to the selection event (col. 6, lines 56-60) while the newly selected file/folder is being displayed (col. 10, lines 57-67 and col. 11, lines 1-9).

Yagi does not expressly teach to a centrifuge run in a centrifuge device, rotors, the previously selected rotor having a rotor parameter associated therewith, storing the rotor parameter of the rotor, and the newly selected rotor having a rotor parameter associated therewith

Numata teaches to a system and method for operating a centrifuge that includes querying the operator of the centrifuge for information which includes the selection of a

rotor (col. 13, lines 32-59), a previously selected rotor having a rotor parameter associated therewith (col. 13, lines 60-67), storing the rotor parameter of the rotor (col. 5, lines 8-15 and col. 13, lines 5-10), and the newly selected rotor having a rotor parameter associated therewith (col. 14, lines 1-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Yagi to include a system and method for operating a centrifuge that includes querying the operator of the centrifuge for information which includes the selection of a rotor, a previously selected rotor having a rotor parameter associated therewith, storing the rotor parameter of the rotor, and the newly selected rotor having a rotor parameter associated therewith to provide a system which brings greater reproducibility to the results and substantially enhances the functional versatility of the centrifuge as separation aid (col. 1, lines 26-36).

22. As per claim 16, Yagi teaches as set forth above the processor is further **configured to control (as opposed to actually controlling)** the display to scroll through the plurality of home menu options while the display is presenting the home menu and in response to the signal (col. 8, lines 63-67, col. 9, lines 1-4 and Fig. 6, element 51-54 and "recently accessed file" section; i.e. the user moves from one home option to another using a mouse (Fig. 2, element 17), hence scrolling through the home options).

23. As per claim 17, Yagi teaches as set forth above the processor is further **configured to control (as opposed to actually controlling)** the display to scroll through the plurality of add menu options while the display is presenting the add menu and in response to the signal (col. 13, lines 43-61 and Fig. 13; i.e. the user moves from one type option to another using a mouse (Fig. 2, element 17), hence scrolling through the options).

24. As per claim 18, Yagi does not expressly teach the key is a down key and the processor is **configured to control (as opposed to actually controlling)** the display to scroll in a forward manner through the home menu or add menu in response to the signal.

Numata teaches to a key (Fig. 1, element 9; i.e. cursor key) and processor (Fig. 1, element 2) **configured to control (as opposed to actually controlling)** a display (Fig. 13, element 106) by navigation through a menu (col. 5, lines 4-15 and col. 13, lines 56-67; i.e. in response to the key's output).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Yagi to include to a key and processor **configured to control (as opposed to actually controlling)** a display by navigation through a menu to provide a system which brings greater reproducibility to

the results and substantially enhances the functional versatility of the centrifuge as separation aid (col. 1, lines 26-36).

25. As per claim 19, Yagi teaches does not expressly teach the key is an up key and the processor is **configured to control (as opposed to actually controlling)** the display to scroll in a reverse manner through the home menu or add menu in response to the signal.

Numata teaches to a key (Fig. 1, element 9; i.e. cursor key) and processor (Fig. 1, element 2) **configured to control (as opposed to actually controlling)** a display (Fig. 13, element 106) by navigation through a menu (col. 5, lines 4-15 and col. 13, lines 56-67; i.e. in response to the key's output).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Yagi to include to a key and processor **configured to control (as opposed to actually controlling)** a display by navigation through a menu to provide a system which brings greater reproducibility to the results and substantially enhances the functional versatility of the centrifuge as separation aid (col. 1, lines 26-36).

26. As per claim 20, Yagi teaches as set forth above the processor is further **configured to determine (as opposed to actually determining)** the selection event

has occurred (col. 6, lines 25-30, col. 9, lines 18-21 and col. 13, lines 1-14; i.e. the selection of a recently accessed file from the menu will open).

27. As per claim 21, Yagi teaches as set forth above a select key (col. 1, lines 41-43) **configured to** generate **(as opposed to actually generating)** a select signal in response to being engaged, wherein the processor is **configured to** determine **(as opposed to actually determining)** the selection event has occurred in response to the select signal (col. 6, lines 25-30, col. 9, lines 18-21 and col. 13, lines 1-14; i.e. the selection of a recently accessed file from the menu will open).

28. As per claim 22, Yagi teaches as set forth above the processor is **configured to** determine **(as opposed to actually determining)** the selection event has occurred in response to a predetermined amount of time has elapsed since last receiving the signal (col. 6, lines 25-30).

29. As per claim 23, Yagi teaches as set forth above the processor is **configured to** determine **(as opposed to actually determining)** the selection event has occurred in response to receiving a start run signal (col. 6, lines 25-30).

30. As per claim 25, Yagi teaches an apparatus for providing a user interface to a user for the user to select a desired file/folder from a set of file(s)/folder(s) compatible for use in a file handling device (col. 1, lines 6-16), the apparatus comprising:

means for displaying (col. 6, lines 21-24 and Fig. 2, element 18) a home menu option of a plurality of home menu options (col. 8, lines 63-67, col. 9, lines 1-2 and Fig. 6, element 51-54 and "recently accessed file" section) in a home menu (Fig. 6), the home menu options including a previously selected file/folder (col. 9, lines 8-11, and Fig. 6, element 52 and "recently accessed file" section) and an add function (Fig. 8 and 9A via the selection of "Open");

means for storing the previously selected file/folder to a run parameter (col. 6, lines 55-60, i.e. store to Fig. 6, element 52 and "recently accessed file" section) in response to a selection event while the previously selected file/folder is being displayed (col. 10, lines 39-49 and 57-67, col. 11, lines 1-9 and Fig. 9A and 9B);

means for displaying (col. 1, lines 41-43) an add menu option (col. 10, lines 25-40 and lines 57-67, col. 11, lines 1-4 and Fig. 8 and Fig. 9A via the selection of "Open") of a plurality of add menu options (col. 10, lines 25-39 and 57-67 and col. 11, lines 1-4) in an add menu in response to a selection event while the add function is being displayed (col. 10, lines 25-49 and 57-67 and col. 11, lines 1-4); and

means for moving a newly selected file/folder of the set of file(s)/folder(s) to the home menu (Fig. 9B) from the add menu (Fig. 8 and 9A via the selection of "Open") and means for storing the newly selected file/folder to the run parameter in response to

the selection event (col. 6, lines 56-60) while the newly selected file/folder is being displayed (col. 10, lines 57-67 and col. 11, lines 1-9).

Yagi does not expressly teach to a centrifuge run in a centrifuge device, rotors, the previously selected rotor having a rotor parameter associated therewith, storing the rotor parameter of the rotor, and the newly selected rotor having a rotor parameter associated therewith

Numata teaches to a system and method for operating a centrifuge that includes querying the operator of the centrifuge for information which includes the selection of a rotor (col. 13, lines 32-59), a previously selected rotor having a rotor parameter associated therewith (col. 13, lines 60-67), storing the rotor parameter of the rotor (col. 5, lines 8-15 and col. 13, lines 5-10), and the newly selected rotor having a rotor parameter associated therewith (col. 14, lines 1-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Yagi to include a system and method for operating a centrifuge that includes querying the operator of the centrifuge for information which includes the selection of a rotor, a previously selected rotor having a rotor parameter associated therewith, storing the rotor parameter of the rotor, and the newly selected rotor having a rotor parameter associated therewith to provide a system which brings greater reproducibility to the results and substantially enhances the functional versatility of the centrifuge as separation aid (col. 1, lines 26-36).

31. As per claim 26, Yagi teaches as set forth above a means for scrolling (i.e. the user moves from one home option to another using a mouse (Fig. 2, element 17), hence scrolling through the home options) through the plurality of home menu options while displaying the home menu in response to the selection event (col. 8, lines 63-67, col. 9, lines 1-4 and Fig. 6, element 51-54 and "recently accessed file" section).

32. As per claim 27, Yagi teaches as set forth above a means for scrolling (i.e. the user moves from one type option to another using a mouse (Fig. 2, element 17), hence scrolling through the options) through the plurality of add menu options while displaying the add menu in response to the selection event (col. 13, lines 43-61 and Fig. 13).

33. As per claim 28, Yagi teaches as set forth above a means (i.e. the selection of a recently accessed file from the menu will open) for determining the selection event has occurred (col. 6, lines 25-30, col. 9, lines 18-21 and col. 13, lines 1-14).

34. As per claim 29, Yagi teaches an apparatus for selecting an option from a set of options, the apparatus comprising:

means for providing a first subset of options from which to select the option (col. 8, lines 63-67, col. 9, lines 1-2 and Fig. 6), the first subset of options **configured to** include **(as opposed to actually including)** at least one option of the set of options

(col. 8, lines 63-67, col. 9, lines 1-4 and Fig. 6, element 51-54 and "recently accessed file" section);

means for interfacing (col. 6, lines 21-24 and Fig. 2, element 18) **configured to** provide (**as opposed to actually providing**) a scrolling means for scrolling through the first subset of options and a selecting means for selecting the option (col. 8, lines 63-67, col. 9, lines 1-4 and Fig. 6, element 51-54 and "recently accessed file" section; i.e. the user moves from one option to another using a mouse (Fig. 2, element 17), hence scrolling through the options); and

means for providing a second subset of options, the second subset of options **configured to** include (**as opposed to actually including**) a remainder of options corresponding to the set of options minus the first subset of options (col. 10, lines 25-40 and 57-67, col. 11, lines 1-4 and Fig. 8 and Fig. 9A via the selection of "Open"),

wherein the interfacing means (col. 6, lines 21-24 and Fig. 2, element 18) is further **configured to** provide (**as opposed to actually providing**) a capability of scrolling through the second subset of options (col. 13, lines 43-61 and Fig. 13; i.e. the user moves from one type option to another using a mouse (Fig. 2, element 17), hence scrolling through the options) and moving an option from the second subset of options (Fig. 8 and 9A via the selection of "Open") to the first subset of options (Fig. 6).

Yagi does not expressly teach to a motorized device and options for configuration of the motorized device.

Numata teaches to a motorized device (col. 5, lines 4-12 and col. 12, lines 40-57) and options for configuration of the motorized device (col. 13, lines 60-67 and col. 14, lines 1-12; i.e. set values).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Yagi to include a motorized device and options for configuration of the motorized device to provide a system which brings greater reproducibility to the results and substantially enhances the functional versatility of the centrifuge as separation aid (col. 1, lines 26-36).

35. As per claim 30, Yagi teaches a method of providing a user interface to a user for the user to select a desired file/folder from a files(s)/folder(s) compatible for use in a file handling device (col. 1, lines 6-16), the method comprising:

displaying (col. 6, lines 21-24 and Fig. 2, element 18) a home menu option of a plurality of home menu options (col. 8, lines 63-67, col. 9, lines 1-4 and Fig. 6, element 51-54 and "recently accessed file" section) in a home menu (col. 8, lines 63-67, col. 9, lines 1-2 and Fig. 6), the home menu options including previously selected files(s)/folder(s) (col. 9, lines 8-12 and Fig. 6, element 52 and "recently accessed file" section);

storing the previously selected files(s)/folder(s) to a run parameter (col. 6, lines 55-60, i.e. store to Fig. 6, element 52 and "recently accessed file" section) in response to a selection event while the previously selected

files(s)/folder(s) is being displayed (col. 10, lines 39-49 and 57-67, col. 11, lines 1-9 and Fig. 9A and 9B);

displaying an add menu option of a plurality of add menu options (col. 10, lines 25-39 and 57-67 and col. 11, lines 1-4) in an add menu (col. 10, lines 25-40 and 57-67, col. 11, lines 1-4 and Fig. 8 and Fig. 9A via the selection of "Open") in response to a selection event while the add function is being displayed (col. 10, lines 25-49); and

moving a newly selected file/folder of the set of files(s)/folder(s) to the home menu (Fig. 9B) from the add menu (Fig. 8 and 9A via the selection of "Open") and storing the newly selected file/folder to the run parameter in response to the selection event (col. 6, lines 56-60) while the newly selected file/folder is being displayed (col. 10, lines 57-67 and col. 11, lines 1-9).

Yagi does not expressly teach to a centrifuge run in a centrifuge device, rotors, the previously selected rotor having a rotor parameter associated therewith, storing the rotor parameter of the rotor, and the newly selected rotor having a rotor parameter associated therewith

Numata teaches to a system and method for operating a centrifuge that includes querying the operator of the centrifuge for information which includes the selection of a rotor (col. 13, lines 32-59), a previously selected rotor having a rotor parameter associated therewith (col. 13, lines 60-67), storing the rotor parameter of the rotor (col.

5, lines 8-15 and col. 13, lines 5-10), and the newly selected rotor having a rotor parameter associated therewith (col. 14, lines 1-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Yagi to include a system and method for operating a centrifuge that includes querying the operator of the centrifuge for information which includes the selection of a rotor, a previously selected rotor having a rotor parameter associated therewith, storing the rotor parameter of the rotor, and the newly selected rotor having a rotor parameter associated therewith to provide a system which brings greater reproducibility to the results and substantially enhances the functional versatility of the centrifuge as separation aid (col. 1, lines 26-36).

36. As per claim 31, Yagi teaches as set forth above scrolling through the plurality of home menu options while displaying the home menu in response to the selection event (col. 8, lines 63-67, col. 9, lines 1-4 and Fig. 6, element 51-54 and "recently accessed file" section; i.e. the user moves from one home option to another using a mouse (Fig. 2, element 17), hence scrolling through the home options),

wherein the add menu (Fig. 8 and 9A, via the selection of "Open") includes a first subset of compatible rotors (col. 8, lines 63-67, col. 9, lines 1-2 and Fig. 6) and second subset of compatible rotors(col. 10, lines 25-40 and 57-67, col. 11, lines 1-4 and Fig. 8 and Fig. 9A via the selection of "Open"), where an entry of a compatible rotor is moved (col. 13, lines 43-61 and Fig. 13) from the second subset (Fig. 8 and 9A

via the selection of "Open") to the first subset according to the selection of the desired rotor (Fig. 6).

37. As per claim 32, Yagi teaches as set forth above scrolling through the plurality of add menu options while displaying the add menu in response to the selection event (col. 13, lines 43-61 and Fig. 13; i.e. the user moves from one type option to another using a mouse (Fig. 2, element 17), hence scrolling through the options).

38. As per claim 33, Yagi teaches as set forth above determining the selection event has occurred (col. 6, lines 25-30, col. 9, lines 18-21 and col. 13, lines 1-14; i.e. the selection of a recently accessed file from the menu will open).

39. As per claim 34, Yagi teaches as set forth above the selection event is determined to have occurred in response to a select signal (col. 6, lines 25-30, col. 9, lines 18-21 and col. 13, lines 1-14; i.e. the selection of a recently accessed file from the menu will open).

40. As per claim 35, Yagi teaches as set forth above the selection event is determined to have occurred in response to a predetermined amount of time having elapsed since last receiving a signal (col. 6, lines 25-30).

41. As per claim 36, Yagi teaches as set forth above the selection event is determined to have occurred in response to receiving a start run signal (col. 6, lines 25-30).

42. As per claim 38, Yagi teaches a method of selecting an option from a set of options, the method comprising:

providing a first subset of options from which to select the option (col. 8, lines 63-67, col. 9, lines 1-2 and Fig. 6), the first subset of options **configured to include (as opposed to actually including)** at least one option of the set of options (col. 8, lines 63-67, col. 9, lines 1-4 and Fig. 6, element 51-54 and "recently accessed file" section);

providing an interface (col. 6, lines 21-24 and Fig. 2, element 18) **configured to provide (as opposed to actually providing)** a capability of scrolling through the first subset of options and selecting the option (col. 8, lines 63-67, col. 9, lines 1-4 and Fig. 6, element 51-54 and "recently accessed file" section; i.e. the user moves from one option to another using a mouse (Fig. 2, element 17), hence scrolling through the options); and

providing a second subset of options **configured to include (as opposed to actually including)** a remainder of option corresponding to the set of options minus the first subset of options (col. 10, lines 25-40 and 57-67, col. 11, lines 1-4, Fig. 8 and Fig. 9A via the selection of "Open"),

wherein the interface (col. 6, lines 21-24 and Fig. 2, element 18) is further **configured to provide (as opposed to actually providing)** a capability of scrolling through the second subset of options (col. 13, lines 43-61 and Fig. 13; i.e. the user moves from one type option to another using a mouse (Fig. 2, element 17), hence scrolling through the options) and moving an option from the second subset of options (Fig. 8 and 9A via the selection of "Open") to the first subset of options (Fig. 6).

Yagi does not expressly teach to a centrifuge.

Numata teaches to a centrifuge (col. 5, lines 4-12 and col. 12, lines 40-57) and options for configuration of the centrifuge (col. 13, lines 60-67 and col. 14, lines 1-12; i.e. set values).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Yagi to a centrifuge and options for configuration of the centrifuge to provide a system which brings greater reproducibility to the results and substantially enhances the functional versatility of the centrifuge as separation aid (col. 1, lines 26-36).

43. Claims 13, 24 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagi in view of Numata in further view of U.S. Patent No. 5,358,343 (hereinafter Klauber).

44. As per claim 13, Yagi does not expressly teach the key includes a down key and an up key and the processor is **configured to determine (as opposed to actually determining)** the selection event has occurred in response to receiving the signal from the down key and the up key at essentially same time.

Numata teaches to a key (Fig. 1, element 9; i.e. cursor key) and processor (Fig. 1, element 2) controlling a display (Fig. 13, element 106) by navigation through a menu by selection of a menu item in response to the key's output (col. 5, lines 4-15 and col. 13, lines 56-67).

Numata does not expressly teach to two keys to the simultaneous activation of two keys at essentially the same time.

Klauber teaches to the simultaneous activation of two keys, wherein the processor determines the activation has occurred in response to receiving an output signal from the two keys (col. 11, lines 55-60).

Klauber teaches the claimed invention except for includes a down key and an up key. It would have been an obvious matter of design choice to use include both a down key and an up key, since Applicant has not disclosed that a down key and an up key solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any two keys that perform the desired keys' output.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Yagi to include to a key and processor controlling a display by navigation through a menu by selection of a menu item in response to the key's output to provide a system which brings greater reproducibility to the results and substantially enhances the functional versatility of the centrifuge as separation aid (Numata: col. 1, lines 26-36); and the simultaneous activation of two keys, wherein the processor determines the activation has occurred in response to receiving an output signal from the two keys to provide an improved, easier, more efficient, more ergonomic method for activation of keys (Klauber: col. 1, lines 19-28).

45. As per claim 24, Yagi does not expressly teach the key includes a down key and an up key and the processor is **configured to determine (as opposed to actually determining)** the selection event has occurred in response to receiving the signal from the down key and the up key at essentially the same time.

Numata teaches to a key (Fig. 1, element 9; i.e. cursor key) and processor (Fig. 1, element 2) controls a display (Fig. 13, element 106) by navigation through a menu by selection of a menu item in response to the key's output (col. 5, lines 4-15 and col. 13, lines 56-67).

Numata does not expressly teach to two keys to the simultaneous activation of two keys at essentially the same time.

Klauber teaches to the simultaneous activation of two keys, wherein the processor determines the activation has occurred in response to receiving an output signal from the two keys (col. 11, lines 55-60).

Klauber teaches the claimed invention except for includes a down key and an up key. It would have been an obvious matter of design choice to use include both a down key and an up key, since Applicant has not disclosed that a down key and an up key solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any two keys that perform the desired keys' output.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Yagi to include to a key and processor controlling a display by navigation through a menu by selection of a menu item in response to the key's output to provide a system which brings greater reproducibility to the results and substantially enhances the functional versatility of the centrifuge as separation aid (Numata: col. 1, lines 26-36); and the simultaneous activation of two keys, wherein the processor determines the activation has occurred in response to receiving an output signal from the two keys to provide an improved,

easier, more efficient, more ergonomic method for activation of keys (Klauber: col. 1, lines 19-28).

46. As per claim 37, Yagi does not expressly teach the selection event is determined to have occurred in response to receiving a signal from a down key and an up key at essentially the same time, and the selection is determined to have occurred in response to a passively selected option by engaging a start and stop key.

Numata teaches to a key (Fig. 1, element 9; i.e. cursor key) and processor (Fig. 1, element 2) controlling a display (Fig. 13, element 106) by navigation through a menu by selection of a menu item in response to the key's output (col. 5, lines 4-15 and col. 13, lines 56-67).

Numata does not expressly teach to two keys to the simultaneous activation of two keys at essentially the same time.

Klauber teaches to the simultaneous activation of two keys, wherein the processor determines the activation has occurred in response to receiving an output signal from the two keys (col. 11, lines 55-60).

Klauber teaches the claimed invention except for includes a down key and an up key. It would have been an obvious matter of design choice to use include both a down key and an up key, since Applicant has not disclosed that a down key and an up

key solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any two keys that perform the desired keys' output.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Yagi to include to a key and processor controlling a display by navigation through a menu by selection of a menu item in response to the key's output to provide a system which brings greater reproducibility to the results and substantially enhances the functional versatility of the centrifuge as separation aid (Numata: col. 1, lines 26-36); and the simultaneous activation of two keys, wherein the processor determines the activation has occurred in response to receiving an output signal from the two keys to provide an improved, easier, more efficient, more ergonomic method for activation of keys (Klauber: col. 1, lines 19-28).

Response to Arguments

47. Applicant's arguments, see Remarks pgs. 18-22, filed 17 March 2009 with respect to claims 1-38 under 35 U.S.C. 103(a) have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer L. Norton whose telephone number is (571)272-3694. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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